

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

2 EUMI CHOI (WVSBN 07922)  
3 Chief, Criminal Division

4 C. DAVID HALL (CSBN 66081)  
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, California 94102  
7 Telephone: (415) 436-7168  
Attorneys for Plaintiff

**FILED**

MAR 08 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA, )  
12 )  
13 Plaintiff, )  
14 v. )  
15 JASON THOMAS, )  
16 Defendant. )

No. CR 05-00798 PJH


GOVERNMENT'S MOTION TO DISMISS  
AND (~~PROPOSED~~) ORDER

17 The United States Attorney's Office for the Northern District of California moves to dismiss  
18 the charges against Jason Thomas without prejudice in the above entitled indictment pursuant to  
19 Federal Rule of Criminal Procedure 48 (a), as the government has not been able to comply with  
20 the Court's order of January 4, 2006 regarding discovery. There have been no findings  
21 regarding factual guilt or innocence. The government has previously notified defense counsel,  
22 Steve Teish, of its intent to move to dismiss the action without prejudice  
23

24 DATED: March 8, 2006

Respectfully submitted,

25 KEVIN V. RYAN  
United States Attorney


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27 C. DAVID HALL  
28 Assistant United States Attorney

MOTION TO DISMISS  
[CR 05-00798] [PJH]

1 (~~PROPOSED~~) ORDER  
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3       Upon the motion of the United States, the proceedings in the above entitled matter is  
4 dismissed without prejudice as to the defendant Jason Thomas.

5 Dated: 3/8/06  
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HON. PHYLLIS J. HAMILTON  
United States District Court Judge  
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MOTION TO DISMISS  
[CR 05-00798] [PJH]